

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JUVENAL PEREZ,

Plaintiff,

vs.

DAVID ROGER, et al.,

Defendants.

Case No. 2:10-cv-01777-RLH-PAL

**REPORT OF FINDINGS AND**  
**RECOMMENDATION**

This matter is before the court on Plaintiff Juvenal Perez's failure to comply with the court's Order (Dkt. #2), entered February 3, 2011, requiring him to file a completed Application to Proceed *In Forma Pauperis*. Plaintiff's previous Application (Dkt. #1) failed to include a copy of his inmate trust account log. Plaintiff also failed to sign the acknowledgment portion of the financial affidavit and had failed to fill out the financial certificate. He was ordered to file a completed Application on or before March 4, 2011. Plaintiff has not complied, nor has he requested an extension of time in which to comply. He was warned that "[f]ailure to comply with this Order may result in a recommendation to the District Judge that this case be dismissed." Order at 1:24-25.

Accordingly,

**IT IS RECOMMENDED** that Plaintiff's Application to Proceed *In Forma Pauperis* be DENIED, and this action be DISMISSED without prejudice to the Plaintiff's ability to commence a new action in which she either pays the appropriate filing fee in full or submits a completed Application to Proceed *in Forma Pauperis*.

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1 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court enter judgment accordingly.

2 Dated this 11th day of March, 2011.

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5 PEGGY A. LEEN  
6 UNITED STATES MAGISTRATE JUDGE

7 **NOTICE**

8 These findings and recommendations are submitted to the United States District Judge assigned  
9 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being  
10 served with these findings and recommendations, any party may file written objections with the court.  
11 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and  
12 recommendations of a magistrate judge shall file and serve *specific written objections* together with  
13 points and authorities in support of those objections, within fourteen days of the date of service of the  
14 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's  
15 Findings and Recommendations." The parties are advised that failure to file objections within the  
16 specified time may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153  
17 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject  
18 to the page limitations found in LR 7-4.  
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